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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,380	04/12/2004	Jun-Sang Park	678-1323 (P11450)	2848
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DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			EXAMINER BROUSSARD, COREY M	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/822,380

Applicant(s)

PARK ET AL.

Examiner

Corey M. Broussard

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3 and 9 are objected to as being in improper dependant form. Claim 3 depends on claim 1 and recites the limitation of a speaker, display, and a third key array. There is insufficient antecedent basis for this limitation in the claim (neither the parent or the dependant claim list a first or second key array necessitating a third). Claim 9 depends on claim 1 and recites the limitation of a speaker, display, and a third key array. There is insufficient antecedent basis for this limitation in the claim (neither the parent or the dependant claim list a first or second key array necessitating a third).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (PN 5,485,517) in view of Lee et al. (PN 6,822,871). With respect to claim 1, Gray teaches a portable swing-type digital communication device (10) comprising: a body housing (14); a swing housing (12) rotatably attached to the body of housing by means of a hinge module (16), the swing housing rotatable about a hinge axis at a

prescribed angle perpendicular to the top surface of the body housing, and the swing housing being disposed at a prescribed angle to a planar surface of the body housing when the swing housing is rotated to a prescribed angle from the body housing (see Fig. 1-3). Gray lacks a step compensating mechanism. Lee teaches a portable digital communication device (100) with a step compensating mechanism (Lee teaches a cover housing design gently sloping to meet the surface of the body housing thus eliminating the step between the two housings, see Fig. 7, 8) for preventing a step between the top surface of the body housing (101) and the top surface of the cover housing (102) when the cover housing is slid to the open position (see Fig. 6-8). It would have been obvious to a person of ordinary skill in the art to combine the sloping step compensating mechanism of Lee with the swing type housing of Gray for the benefit of a more aesthetically pleasing device design with a slimmer more miniaturized form desirable for consumer applications.

4. With respect to claim 3, Gray teaches that the swing housing (12) has a speaker unit (17) and a display unit (20) arranged on the top surface thereof, the display unit being disposed adjacent to the speaker unit (see Fig. 1). Gray lacks the third key array. Lee teaches that the cover housing (102) has a third key array (119) arranged on the top surface thereof (see Fig. 6-8), the third key array comprising at least one key disposed adjacent to the display unit (see Fig. 6). It would have been obvious to a person of ordinary skill in the art to combine the swing housing with speaker and display of Gray with the third key array of Lee to obtain a portable digital communication device

with keys externally accessible when the device is in closed position for the benefit of allowing the user to access the functions of the device while it is in the closed position.

5. With respect to claim 9, Gray teaches that the speaker unit (17) is farthest from the microphone unit (26) when the swing housing (12) is rotated to an angle of approximately 180 degrees from the body housing (14, see Fig. 1 and 2). Gray lacks a third key array. Lee teaches that the third key array (119) is closest to the first key array (see Fig 6-8). It would have been obvious to use the third key array of Lee with the device of Gray as modified by Lee to the benefit of a mobile device where the functions of the device could be accessed without sliding the swing housing to the open position.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (PN 5,485,517) in view of Lee et al. (PN 6,822,871) as applied to claim 1 above, and further in view of Pallakoff (US 2002/0163504), and Kuroda (US 2004/0048632). With respect to claim 2, Gray teaches where the body housing (14) comprises: a first key array (col 6 lines 5-6) and a microphone unit (26) arranged on the top surface (22) thereof, the first key array having a plurality of keys, the microphone unit being disposed adjacent to the first key array (see Fig. 1). Gray lacks a second key array or a camera and lighting unit. Pallakoff teaches a portable digital communication device (100) with a body housing having a second key array arranged on one of the side surfaces thereof, the second key array having a plurality of keys (101, 102, 103, see Fig. 1). Kuroda teaches a portable digital communication device with a camera lens (11) and lighting unit (16) arranged on the bottom surface thereof (see Fig 3), the lighting unit being disposed adjacent to the camera lens. Kuroda lacks the specific teaching of a pair of lighting components, but it

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has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. It would have been obvious to a person of ordinary skill in the art to combine the swing type device of Gray as modified by Lee with the side buttons of Pallakoff and back camera of Kuroda to obtain a portable communication device with side buttons allowing for faster typing of text and a camera allowing the device to capture images and two lighting units allowing the camera to function in lower light conditions than just one lighting unit provides for.

Allowable Subject Matter

7. Claims 4-8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The claimed combination of the semicircular section formed at one end of the swing housing with compensating member and recess as claimed is not rendered obvious over prior art. The prior art of record to Gray discloses the swing type housing with a hinge but lacks clear teaching of a recess formed for the compensating member. Note also Brandenburg et al., Kinke-Anlauff, and SanGiovanni showing the general state of the art of swing housing step compensating portable devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey M. Broussard whose telephone number is 571 272 2799. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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